

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GARY FRANK ROBINSON,

Petitioner,

V.

## STATE OF WASHINGTON

### Respondent.

Case No. C06-5217FDB

## ORDER TO AMEND

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant

<sup>20</sup> to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR

4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 4).

22 Petitioner names only the State of Washington as a respondent. 28 U.S.C. § 2243 indicates that  
23 writs are to be directed “to the person having custody of the person detained”. This person typically  
24 is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the  
25 petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme  
26 Court, 21 F.3d 359, 360 (9th Cir. 1994).

Court, 21 F.3d 359, 360 (9th Cir. 1994).

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## ORDER

1 Petitioner is ordered to file an amended petition or a motion to change the case caption and  
2 petitioner must name the superintendent of the facility where he is incarcerated. The new petition or  
3 motion must be filed on or before **June 2, 2006**, or the court will recommend dismissal of this  
4 petition on jurisdictional grounds.

5 The clerk is ordered to send copies of this order to the petitioner and to note this matter for  
6 the courts **June 2, 2006** calendar.

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8 DATED this 4th day of May, 2006.

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Karen L. Strombom  
United States Magistrate Judge

ORDER